

**REMARKS**

The Final Office Action dated February 7, 2003 and the Advisory Action dated July 3, 2003 have been considered.

**Summary of the Final Office Action and the Advisory Action**

In the Final Office Action, claims 1-14 and 16-30 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Fuchigami et al. (U.S. Patent No. 6,160,953) (hereinafter "Fuchigami"). Claims 32-38 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Kojima (U.S. Patent No. 5,991,496) (hereinafter "Kojima"). Claims 15 and 31 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Fuchigami in view of Mizoguchi et al. (U.S. Patent No. 6,169,847) (hereinafter "Mizoguchi").

These rejections were maintained in the Advisory Action dated July 3, 2003 despite the arguments filed in the Response and Request for Reconsideration filed on June 5, 2003.

Applicants note that the Advisory Action's reference to a Response filed on "June 10, 2003" appears to be a typographical error because no Response was filed by Applicants on June 10, 2003. Instead, Applicants filed a Response under 37 C.F.R. § 1.116 on June 5, 2003.

**Summary of the Response to the Office Action**

Applicants have canceled claims 1-38 without prejudice or disclaimer. New claims 39-56 are added in order to differently define the scope of protection. Accordingly, claims 39-56 are currently pending for consideration.

**All Pending Claims Define Allowable Subject Matter**

Applicants have canceled claims 1-38 without prejudice or disclaimer and have added new claims 39-56. Accordingly, Applicants respectfully submit that the outstanding rejections under 35 U.S.C. §§ 102(b) and 103(a) have been rendered moot by the cancellation of the previously-pending claims.

Applicants respectfully submit that newly-added claims 39-56 are allowable over the prior art of record for at least the following reasons. Newly-added independent claim 39 differs from the applied art of record at least in that it recites an information record medium combination that includes “control information [that] includes first division information for identifying a first division unit, second division information for identifying a plurality of second division units by dividing a plurality of audio information as a reproduction unit, and management information for correlating the first division unit and the plurality of second division units with each other so that the plurality of second division units are associated with the first division unit”, and that “the plurality of second division units comprise at least a first type of second division unit which has audio information associated with a first recording method and a second type of second division unit which has audio information associated with a second recording method, and the first type of second division unit and the second type of second division unit include the same content” and “are recorded at different positions on the audio information recording area.”

Also, Applicants respectfully submit that newly-added independent claims 43 and 50 are also in condition for allowance for similar reasons as set forth above with regard to independent claim 39. Moreover, Applicants respectfully submit that dependent claims 40-42, 44-49 and 51-56 are allowable at least for the same reasons as their respective independent claim 39, 43 or 50.

**Conclusion**

In view of the foregoing amendments and remarks, Applicants respectfully request withdrawal of all outstanding rejections, reconsideration and reexamination of this application and the timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of the response, the Examiner is invited to contact the Applicants' undersigned representative to expedite prosecution.

If there are any fees due in connection with the filing of this paper, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted

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Dated: January 7, 2004

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